

2010-008688

Klamath County, Oregon



00087562201000086880360364

07/20/2010 03:35:15 PM

Fee: \$232.00

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 67645

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Affidavit of Mailing /Copy of Trustees Notice of Sale

Affidavit of Service/Posting

Affidavit of Publication

Affidavit of Non Military Service

Affidavit of Compliance

ORIGINAL GRANTOR ON TRUST DEED:

Benjamin V. Hernandez and Angelique Hernandez, as joint tenants

ORIGINAL BENEFICIARY ON TRUST DEED:

PNC Mortgage Corp of America

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE
ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THE COVER
SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT
ITSELF

ATE-232

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
10-104093

OREGON
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Benjamin V Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Estate of Angelique
Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

Estate of Angelique
Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Benjamin V Hernandez
8989 E. Escalante Rd #4
Tucson, AZ 85730

Estate of Angelique
Hernandez
8989 E. Escalante Road #4
Tucson, AZ 85730

Estate of Angelique
Hernandez
P.O. Box 1049
Chiloquin, OR 97624

Angelique Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Benjamin V. Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Heirs & Devisees of
Angelique Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Angelique Hernandez
8989 E. Escalante Rd #4
Tucson, AZ 85730

Benjamin V. Hernandez
P.O. Box 1049
Chiloquin, OR 97624

Heirs & Devisees of
Angelique Hernandez
P.O. Box 1049
Chiloquin, OR 97624

Heirs & Devisees of
Angelique Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

Angelique Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

State of Oregon
Department of Revenue
955 Center Street N.E.
Salem, OR 97301

Heirs & Devisees of
Angelique Hernandez
8989 E. Escalante Road #4
Tucson, AZ 85730

Angelique Hernandez
P.O. Box 1049
Chiloquin, OR 97624

State of Oregon -
Department of Revenue
Revenue Agent PTAC,
Compliance-Salem
P.O. Box 14725
Salem, OR 97309

State of Oregon
C/O Attorney General
1162 Court Street N.E.
Salem, OR 97301

Wells Fargo Bank, N.A.
101 North Phillips Avenue
Sioux Falls, SD 57104

Wells Fargo Financial
Oregon, Inc.
20350 Empire Avenue, Ste
A-2
Bend, OR 97701

Wells Fargo Bank, N.A.
R/A: Corporation Service
Company
285 Liberty Street N.E.
Salem, OR 97301

Wells Fargo Financial
Oregon, Inc.
19373 Willamette Drive
West Linn, OR 97068

Northwest Trustee
Services, Inc.
R/A: Ct Corporation
System
388 State Street, Ste 420
Salem, OR 97301

Northwest Trustee
Services, Inc.
3535 Factoria Blvd, Ste
200
Bellevue, WA 98006

Jerry White
42950 Old Korral Rd
Chiloquin, OR 97624

Jerry White
P.O. Box 329
Chiloquin, OR 97624

Susan L. White
42950 Old Korral Rd
Chiloquin, OR 97624

Susan L. White
P.O. Box 329
Chiloquin, OR 97624

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on April 14, 2010. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

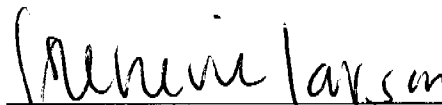


Kelly D. Sutherland

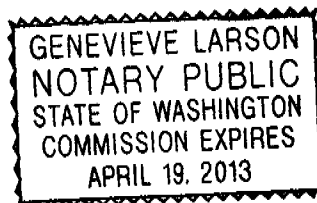
State of Washington)
)
County of Clark)

On this 19th day of July, in the year 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal



Notary Public
My Commission Expires: 4/19/2013



TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Benjamin V. Hernandez and Angelique Hernandez, as joint tenants, with rights of survivorship, as grantor to AmeriTitle, as Trustee, in favor of PNC Mortgage Corp. of America, as Beneficiary, dated May 16, 2000, recorded May 17, 2000, in the mortgage records of Klamath County, Oregon, in Book M00, at Page 17960, beneficial interest having been assigned to JPMorgan Chase Bank, N.A., successor in interest to Washington Mutual Bank by operation of law, successor by merger to Washington Mutual Home Loans, Inc., fka PNC Mortgage Corp. of America, as covering the following described real property:

Parcel 1: That portion of the NE 1/4 NE 1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 22, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: That portion of the W1/2 NW1/4 NW 1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 23, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

COMMONLY KNOWN AS: 42944 Old Korral Road, Chiloquin, OR 97624

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the sum of \$1,176.51, from December 1, 2009, and monthly payments in the sum of \$1,220.63, from February 1, 2010, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

By reason of said default the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, said sum being the following, to-wit:

\$103,796.61, together with interest thereon at the rate of 8.875% per annum from November 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 12, 2010, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor has or had power to convey at the time of the execution of said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the

foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given to any person named in ORS 86.753 that the right exists, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying to the beneficiary of the entire amount due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligations or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's fees and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale.

If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is July 13, 2010. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

OREGON STATE BAR, 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224, Phone (503) 620-0222, Toll-free 1-800-452-8260 Website: <http://www.osbar.org>

Directory of Legal Aid Programs: <http://www.oregonlawhelp.org>

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 4/9/2010

By: 

KELLY D. SUTHERLAND
Successor Trustee
SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
www.shapiroattorneys.com/wa
Telephone :(360) 260-2253
Toll-free: 1-800-970-5647
S&S 10-104093

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

10104093 / HERNANDEZ
ASAP# 3527670

SHAPOR

AFFIDAVIT OF MAILING

STATE OF OREGON

County of Multnomah

ss.

I, Brandy Socha, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On April 28, 2010, I mailed a copy of the Trustee's Notice of Sale, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

The envelope was addressed as follows:

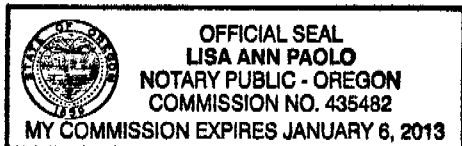
OCCUPANT
42944 Old Korral Road
Chiloquin, OR 97624

This mailing completes service upon an occupant at the above address with an effective date of 04/14/2010 as calculated pursuant to ORS 86.750 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 28 day of April, 2010
by Brandy Socha

Notary Public for Oregon



X

Brandy Socha

Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



228003

TRUSTEE'S NOTICE OF SALE

✓ A default has occurred under the terms of a trust deed made by Benjamin V. Hernandez and Angelique Hernandez, as joint tenants, with rights of survivorship, as grantor to AmeriTitle, as Trustee, in favor of PNC Mortgage Corp. of America, as Beneficiary, dated May 16, 2000, recorded May 17, 2000, in the mortgage records of Klamath County, Oregon, in Book M00, at Page 17960, beneficial interest having been assigned to JPMorgan Chase Bank, N.A., successor in interest to Washington Mutual Bank by operation of law, successor by merger to Washington Mutual Home Loans, Inc., fka PNC Mortgage Corp. of America, as covering the following described real property:

Parcel 1: That portion of the NE 1/4 NE 1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 22, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: That portion of the W1/2 NW1/4 NW 1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 23, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

COMMONLY KNOWN AS: 42944 Old Korral Road, Chiloquin, OR 97624

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the sum of \$1,176.51, from December 1, 2009, and monthly payments in the sum of \$1,220.63, from February 1, 2010, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

By reason of said default the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, said sum being the following, to-wit:

\$103,796.61, together with interest thereon at the rate of 8.875% per annum from November 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 12, 2010, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor has or had power to convey at the time of the execution of said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the

foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given to any person named in ORS 86.753 that the right exists, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying to the beneficiary of the entire amount due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligations or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's fees and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale.

If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is July 13, 2010. The name of the trustee and the trustee's mailing address are listed on this notice.

W Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.


If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

OREGON STATE BAR, 16037 S.W. Upper Boones Ferry Road, Tigard, Oregon 97224, Phone (503) 620-0222, Toll-free 1-800-452-8260 Website: <http://www.osbar.org>

Directory of Legal Aid Programs: <http://www.oregonlawhelp.org>

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 4/9/2010

By: 
KELLY D. SUTHERLAND
Successor Trustee
SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
www.shapiroattorneys.com/wa
Telephone :(360) 260-2253
Toll-free: 1-800-970-5647
S&S 10-104093

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

10104093 / HERNANDEZ
ASAP# 3527670

SHAPOR

AFFIDAVIT OF POSTING

STATE OF OREGON
County of Klamath

ss.

I, Jake Doolin, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an OCCUPANT at the following "Property Address":

42944 Old Korral Road
Chiloquin, OR 97624

As follows:

On 04/14/2010 at 10:50 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On 04/19/2010 at 11:03 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

On 04/27/2010 at 10:40 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 28th day of April, 2010
by Jake Doolin.

Margaret A. Nielsen
Notary Public for Oregon



X *Jake Doolin*
Jake Doolin
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636
3527670



228003

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that I know from my personal knowledge that the

Legal # 12293

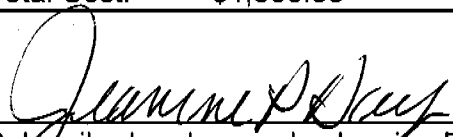
Trustee's Notice of Sale
Hernandez

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

Insertion(s) in the following issues:

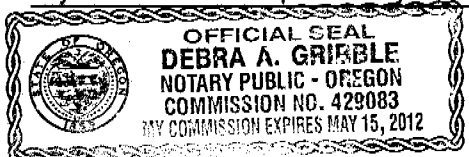
May 12, 19, 26, June 02, 2010

Total Cost: \$1,500.99


Subscribed and sworn by Jeanine P Day
before me on: June 3, 2010


Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE T.S. No.: 10-104093

A default has occurred under the terms of a trust deed made by Benjamin V. Hernandez and Angelique Hernandez, as joint tenants, with rights of survivorship, as grantor to Ameri-Title, as Trustee, in favor of PNC Mortgage Corp. of America, as Beneficiary, dated 05/16/2000, recorded 05/17/2000, in the mortgage records of Klamath County, Oregon, in Book M00, at Page 17960, beneficial interest having been assigned to JPMorgan Chase Bank, N.A., successor in interest to Washington Mutual Bank by operation of law, successor by merger to Washington Mutual Home Loans, Inc., fka PNC Mortgage Corp. of America, as covering the following described real property: Parcel 1: That portion of the NE 1/4 NE 1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 22, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon. Parcel 2: That portion of the W1/2 NW1/4 NW1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 23, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon. COMMONLY KNOWN AS: 42944 Old Korral Road, Chiloquin, OR 97624.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3): the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly payments in the sum of \$1,176.51, from 12/1/2009, and monthly payments in the sum of \$1,220.63, 02/1/2010, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sum being the following, to-wit: \$103,796.61, together with interest thereon at the rate of 8.875% per annum from 11/1/2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on 08/12/2010, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor has or had power to convey at the time of the execution of said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given to any person named in ORS 86.753 that the right exists, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying to the beneficiary of the entire amount due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligations or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's fees and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property. NOTICE TO TENANTS If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale. If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out. To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the

agreement. The date that is 30 days before the date of the sale is 07/13/2010. The name of the trustee and the trustee's mailing address are listed on this notice. Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice. OREGON STATE BAR 16037 S W Upper Boones Ferry Road Tigard, Oregon 97224 (503) 620-0222 (800) 452-8260 <http://www.osbar.org> Directory of Legal Aid Programs: <http://www.oregonlawhelp.org> The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt. Dated: 4/9/2010. By: KELLY D. SUTHERLAND Successor Trustee SHAPIRO & SUTHERLAND, LLC 5501 N.E. 109th Court, Suite N Vancouver, WA 98662 www.shapiroatomeys.com/wa Telephone: (360) 260-2253 Toll-free: 1-800-970-5647 S&S 10-104093 ASAP# 3527670 05/12/2010, 05/19/2010, 05/26/2010, 06/02/2010. #12293 May 12, 19, 26, June 02, 2010.

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Telephone:(360) 260-2253
10-104093

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF WASHINGTON)
) SS.
County of CLARK)

THIS IS TO CERTIFY THAT I, Kelly D. Sutherland, am the Successor Trustee of that certain trust deed serviced by JPMorgan Chase Bank, N.A., successor in interest to Washington Mutual Bank by operation of law, successor by merger to Washington Mutual Home Loans, Inc., fka PNC Mortgage Corp. of America, the current beneficiary, in which Benjamin V. Hernandez and Angelique Hernandez, as joint tenants, with rights of survivorship, as grantor, conveyed to AmeriTitle, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated May 16, 2000, and recorded May 17, 2000, in the mortgage records of said county, in Volume M00, at Page 17960, thereafter a Notice of Default with respect to said trust deed was recorded April 8, 2010, in Book No. 2010, at Page No. 4322, of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed is scheduled to be sold at the trustee's sale on August 12, 2010. I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailor's Civil Relief Act of 1940," as amended, as evidenced by the attached Department of Defense certificate(s), or legally incompetent under the laws of the State of Oregon.

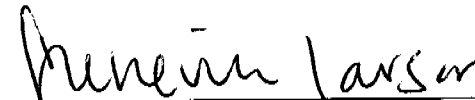
In construing this certificate, the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.



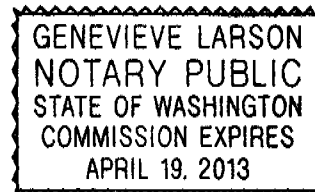
Kelly D. Sutherland
Successor Trustee

STATE OF WASHINGTON)
) SS.
COUNTY OF CLARK)

SUBSCRIBED AND SWORN to before me this 19th day of July, 2010,
by Kelly D. Sutherland, Successor Trustee.



Notary Public for Washington
My commission expires 4/19/2013



Department of Defense Manpower Data Center

Mar-19-2010 08:58:01



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
HERNANDEZ	BENJAMIN	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:4DUPTGNTKP

Department of Defense Manpower Data Center

Mar-19-2010 09:00:31



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
HERNANDEZ	ANGELIQUE	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

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Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:922ASURI7J

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
10-104093

TRUSTEE'S AFFIDAVIT AS TO COMPLIANCE TO ORS 86.737

State of Washington)
)
County of Clark)

I, Kelly D. Sutherland, being first duly sworn, depose, say and certify that:

I am the Successor trustee in that certain trust deed executed and delivered by Benjamin V. Hernandez and Angelique Hernandez, as joint tenants, with rights of survivorship as grantor to AmeriTitle as trustee, in which PNC Mortgage Corp. of America is beneficiary, recorded on May 17, 2000, in the mortgage records of Klamath County, Oregon in Vol. M00, at Page 17960, covering the following described real property situated in said county:

Parcel 1: That portion of the NE 1/4 NE 1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 22, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: That portion of the W1/2 NW1/4 NW1/4 lying Southeasterly of the Southern Pacific Railroad right of way in Section 23, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Commonly known as: 42944 Old Korral Rd, Chiloquin, OR 97624

I hereby certify that on April 9, 2010, the attached notice of risk of loss and loan modification request form was furnished by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons:

Benjamin V Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Angelique Hernandez
8989 E. Escalante Rd #4
Tucson, AZ 85730

Estate of Angelique Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

Benjamin V Hernandez
8989 E. Escalante Rd #4
Tucson, AZ 85730

Heirs & Devisees of Angelique
Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

Estate of Angelique Hernandez
8989 E. Escalante Road #4
Tucson, AZ 85730

Angelique Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Heirs & Devisees of Angelique
Hernandez
8989 E. Escalante Road #4
Tucson, AZ 85730

Occupant(s)
42944 Old Korral Rd
Chiloquin, OR 97624

I hereby certify that on April 13, 2010, the attached notice of risk of loss and loan modification request form was furnished by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons:

Benjamin V. Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Angelique Hernandez
P.O. Box 1049
Chiloquin, OR 97624

Heirs & Devisees of
Angelique Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Benjamin V. Hernandez
P.O. Box 1049
Chiloquin, OR 97624


Estate of Angelique
Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Heirs & Devisees of
Angelique Hernandez
P.O. Box 1049
Chiloquin, OR 97624

Angelique Hernandez
7710 E. Calle Los Arboles
Tucson, AZ 85750

Estate of Angelique
Hernandez
P.O. Box 1049
Chiloquin, OR 97624

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

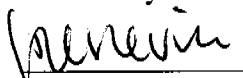


Kelly D. Sutherland

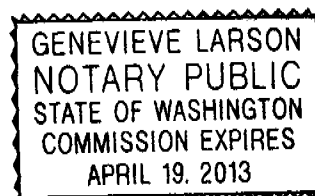
State of Washington)
)
County of Clark)

On this 19th day of July, in the year 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

 Larson

Notary Public
My Commission Expires 4/19/2013



NOTICE:

**YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT
TAKE ACTION IMMEDIATELY**

This notice is about your mortgage loan on your property at 42944 Old Korral Road, Chiloquin, OR 97624

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called 'foreclosure'.

In order to bring your mortgage loan current, the amount you need to pay as of today, April 9, 2010 is \$7,330.11.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call this office at (360) 260-2253, or toll-free 1-800-970-5647, extension 278, to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Our File #: 10-104093

**THIS IS WHEN AND WHERE
YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:**

August 12, 2010, at the hour of 10:00 AM PT, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, OR

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call the Loss Mitigation department of JPMorgan Chase Bank, National Association at 800-848-9380 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide phone contact number at **1-800-SAFENET (1-800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **(503) 684-3763**, or toll-free in Oregon at **1-800-452-7636** or you may visit its website at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at 800-848-9380. If you can't reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number 1-800-SAFENET (1-800-723-3638). Many lenders participate in new federal loan

modification programs. You can obtain more information about these programs at:
<http://www.makinghomeaffordable.gov/>.

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY MAY 12, 2010, WHICH IS MORE THAN 30 DAYS AFTER THE DATE SHOWN BELOW.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: April 9, 2010

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature:

Trustee telephone number: (360) 260-2253 or 1-800-970-5647

LOAN MODIFICATION REQUEST FORM

Benjamin V Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Heirs & Devisees of Angelique Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

Angelique Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Estate of Angelique Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

RE: Loan#: 5100797306

Property Address: 42944 Old Korral Rd, Chiloquin, OR 97624

Pursuant to Oregon law, we are providing you with this Modification Request Form. The mortgage servicer is interested in helping you stay in your home. The mortgage servicer wants you to know there are payment assistance programs available that may help you. If you qualify under the programs, the mortgage servicer may be able to bring be able to bring your loan current and /or decrease the monthly payment so that you can avoid foreclosure.

If you want to apply to modify you must fill out this form and provide all the documentation to the address shown in Step 2 of this form. Please make sure to provide your current address, phone number and electronic mail address (Email). **The form must be received by the mortgage servicer no later than May 12, 2010 at the address shown in Step 2 of this form.** Please indicate by checking the applicable location whether or not you would like your Loan Modified, whether you would like to meet the mortgage servicer, or both

_____ I would like to have my loan modified.

_____ I would like to meet with the mortgage servicer.

Borrower's signature

Borrower's signature

Borrower's Printed Name

Borrower's Printed Name

Borrower's Address

Borrower's Address

Borrower's Phone Number

Borrower's Phone Number

Borrower's E-mail Address

Borrower's E-mail Address

STEP 1: GATHER THE INFORMATION NEEDED TO HELP YOU

Detailed Instructions on what you need to do to take advantage of this program are set forth below. Generally, you will need to:

- Explain in Hardship letter (attached) outlining your situation in detail noting all measures taken to date to resolve your problems
- Completed financial disclosure statement (attached) for all mortgagors of record.

If you meet the eligibility criteria, you may be offered either a temporary or permanent payment assistance program with a decreased monthly payment. The monthly payments will be based on the Income documentation that you provide.

STEP 2: COMPLETE AND SUBMIT

Please submit all the required income documentation by no later than May 12, 2010. If you have any questions, please contact mortgage servicer at (800) 848-9380.

Act Now!

To see if you qualify for this program, send the items listed below to Mortgage Servicer no later than May 12, 2010 to the address provided below:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662

Documentation to verify all of the income of each borrower. (Including any alimony or child support that you choose to rely upon to qualify). This documentation should include:

Complete income tax returns for the 2 previous years for all mortgagors listed on loan.
Last two months bank statements, including all checking, savings, money market, etc.
Copies of the most recent pay stubs (2 months) for all mortgagors on the loan.

If applicable - the mortgage servicer will order an appraisal or independent broker price opinion on the subject property.

If applicable - A copy of the listing agreement for the subject property.

If applicable - A copy of the fully executed contract of sale for the subject property. Also, a copy of the estimated sales proceeds listing a breakdown of all closing costs. A clause must be included in the contract of sale making it contingent upon the approval of the mortgage loan investor and the insurer or guarantor of your loan.

If applicable A copy of the buyers prequalification letter

If you have other types of Income, cannot locate required documents, or have questions about the documentation required, please contact the mortgage servicer at (800) 848-9380.

You must send in all required documentation by no later than May 12, 2010.

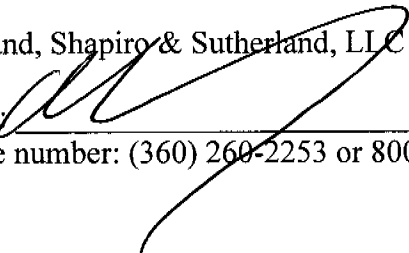
Keep a copy of documents for records. Don't send original income documents as copies are acceptable.

NEXT STEPS: HERE'S WHAT WILL HAPPEN:

Once the mortgage servicer receives all of your documentation and verifies your information, the mortgage servicer will determine whether you qualify for a payment assistance program. The mortgage servicer will contact you, as reasonably practical but not less than 45 days after receiving the form, to notify you whether the mortgage servicer approves or denies your request, or requires additional information. During this period, the mortgage servicer may require additional information to determine whether the loan can be modified. IF you do not qualify, the mortgage servicer will discuss other alternative with you that may help you keep your home or ease your transition to another home.

DATED: April 9, 2010

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature: 

Trustee telephone number: (360) 260-2253 or 800-970-5647

NOTICE:

**YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT
TAKE ACTION IMMEDIATELY**

This notice is about your mortgage loan on your property at 42944 Old Korral Rd, Chiloquin, OR 97624

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called 'foreclosure'.

In order to bring your mortgage loan current, the amount you need to pay as of today, April 13, 2010 is \$7,330.11.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call this office at (360) 260-2253, or toll-free 1-800-970-5647, extension 278, to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Our File #: 10-104093

**THIS IS WHEN AND WHERE
YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:**

August 12, 2010, at the hour of 10:00 AM PT, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, OR

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call the Loss Mitigation department of JPMorgan Chase Bank, National Association at 800-848-9380 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide phone contact number at **1-800-SAFENET (1-800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **(503) 684-3763**, or toll-free in Oregon at **1-800-452-7636** or you may visit its website at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at 800-848-9380. If you can't reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number 1-800-SAFENET (1-800-723-3638). Many lenders participate in new federal loan

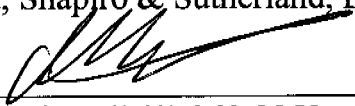
modification programs. You can obtain more information about these programs at:
<http://www.makinghomeaffordable.gov/>.

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY MAY 16, 2010, WHICH IS MORE THAN 30 DAYS AFTER THE DATE SHOWN BELOW.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: April 13, 2010

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature: 

Trustee telephone number: (360) 260-2253 or 1-800-970-5647

LOAN MODIFICATION REQUEST FORM

Benjamin V Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Heirs & Devisees of Angelique Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

Angelique Hernandez
42944 Old Korral Rd
Chiloquin, OR 97624

Estate of Angelique Hernandez
42944 Old Korral Road
Chiloquin, OR 97624

RE: Loan#: 5100797306
 Property Address: 42944 Old Korral Rd, Chiloquin, OR 97624

Pursuant to Oregon law, we are providing you with this Modification Request Form. The mortgage servicer is interested in helping you stay in your home. The mortgage servicer wants you to know there are payment assistance programs available that may help you. If you qualify under the programs, the mortgage servicer may be able to bring be able to bring your loan current and /or decrease the monthly payment so that you can avoid foreclosure.

If you want to apply to modify you must fill out this form and provide all the documentation to the address shown in Step 2 of this form. Please make sure to provide your current address, phone number and electronic mail address (Email). **The form must be received by the mortgage servicer no later than May 16, 2010 at the address shown in Step 2 of this form.** Please indicate by checking the applicable location whether or not you would like your Loan Modified, whether you would like to meet the mortgage servicer, or both

_____ I would like to have my loan modified.

_____ I would like to meet with the mortgage servicer.

Borrower's signature

Borrower's signature

Borrower's Printed Name

Borrower's Printed Name

Borrower's Address

Borrower's Address

Borrower's Phone Number

Borrower's Phone Number

Borrower's E-mail Address

Borrower's E-mail Address

STEP 1: GATHER THE INFORMATION NEEDED TO HELP YOU

Detailed Instructions on what you need to do to take advantage of this program are set forth below. Generally, you will need to:

- Explain in Hardship letter (attached) outlining your situation in detail noting all measures taken to date to resolve your problems
- Completed financial disclosure statement (attached) for all mortgagors of record.

If you meet the eligibility criteria, you may be offered either a temporary or permanent payment assistance program with a decreased monthly payment. The monthly payments will be based on the Income documentation that you provide.

STEP 2: COMPLETE AND SUBMIT

Please submit all the required income documentation by no later than May 16, 2010. If you have any questions, please contact mortgage servicer at (800) 848-9380.

Act Now!

To see if you qualify for this program, send the items listed below to Mortgage Servicer no later than May 16, 2010 to the address provided below:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662

Documentation to verify all of the income of each borrower. (Including any alimony or child support that you choose to rely upon to qualify). This documentation should include:

Complete income tax returns for the 2 previous years for all mortgagors listed on loan.

Last two months bank statements, including all checking, savings, money market, etc.

Copies of the most recent pay stubs (2 months) for all mortgagors on the loan.

If applicable - the mortgage servicer will order an appraisal or independent broker price opinion on the subject property.

If applicable - A copy of the listing agreement for the subject property.

If applicable - A copy of the fully executed contract of sale for the subject property. Also, a copy of the estimated sales proceeds listing a breakdown of all closing costs. A clause must be included in the contract of sale making it contingent upon the approval of the mortgage loan investor and the insurer or guarantor of your loan.

If applicable A copy of the buyers prequalification letter

If you have other types of Income, cannot locate required documents, or have questions about the documentation required, please contact the mortgage servicer at (800) 848-9380.

You must send in all required documentation by no later than May 16, 2010.

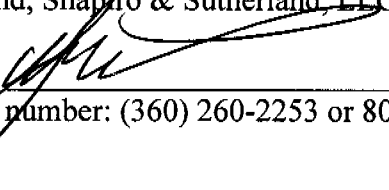
Keep a copy of documents for records. Don't send original income documents as copies are acceptable.

NEXT STEPS: HERE'S WHAT WILL HAPPEN:

Once the mortgage servicer receives all of your documentation and verifies your information, the mortgage servicer will determine whether you qualify for a payment assistance program. The mortgage servicer will contact you, as reasonably practical but not less than 45 days after receiving the form, to notify you whether the mortgage servicer approves or denies your request, or requires additional information. During this period, the mortgage servicer may require additional information to determine whether the loan can be modified. IF you do not qualify, the mortgage servicer will discuss other alternative with you that may help you keep your home or ease your transition to another home.

DATED: April 13, 2010

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature: 

Trustee telephone number: (360) 260-2253 or 800-970-5647

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
10-104093

Affidavit of Compliance with Oregon SB 628 (2009)

County Clerk Recording Info: Volume M00, Page 17960

Grantor (name): Benjamin V. Hernandez and Angelique Hernandez, as joint tenants, with rights of survivorship

Trustee (name): AmeriTitle

Original Beneficiary (name): PNC Mortgage Corp. of America

Assignee(s), if any (name(s)): JPMorgan Chase Bank, N.A., successor in interest to Washington Mutual Bank by operation of law, successor by merger to Washington Mutual Home Loans, Inc., fka PNC Mortgage Corp. of America

Original Loan Amount: \$115,000.00

Borrower name(s): Hernandez, Benjamin V & Angelique

Property Address: 42944 Old Korral Rd, Chiloquin, OR 97624

The undersigned is an employee of the beneficiary of the trust deed securing the above-referenced loan or of its authorized agent, at least 18 years of age and competent to testify in a court of law and, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following selected paragraph(s) is/are true and correct (select all that apply):

- ☒ **No Request for Meeting or Loan Modification Received.** Neither the beneficiary nor its agent received the required Loan Modification Request Form from the borrower that was sent by the borrower within 30 days of the date the Trustee signed the notice required by Section 20, Chapter 19, Oregon Laws 2008 ("Law").
- ☐ **Meeting Requested But Borrower Unavailable to Schedule Meeting.** Borrower requested a meeting within 30 days of the date the Trustee signed the notice required by Section 20, chapter 19, Oregon Laws 2008 ("Law") and sent the required Loan Modification Request Form to beneficiary or its agent. The beneficiary or beneficiary's authorized agent attempted to contact the borrower by the methods contemplated by Law within 45 days of receiving the loan modification request. Borrower did not respond within 7 days of attempted contact. Accordingly, no meeting was required and no meeting occurred.
- ☐ **Meeting Occurred.** Borrower requested a meeting by telephone or in person within 30 days of the date the trustee signed the notice required by Law and sent the required Loan Modification Request Form to beneficiary or its agent. The beneficiary or beneficiary's authorized agent contacted Borrower by the methods allowed by law to schedule a meeting. A meeting was scheduled and took place between borrower and a representative of the beneficiary or beneficiary's agent -- authorized to modify the loan or able to obtain authority to modify the loan -- prior to the beneficiary determining whether or not to grant borrower's request for a loan modification.
- ☐ **Loan Modification Requested. Borrower Deemed Ineligible. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary. The loan modification request was evaluated in good faith within 45 days of receipt. After considering the most current financial information provided by borrower, the beneficiary or beneficiary's agent determined that borrower is ineligible for a loan modification. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower is ineligible for a loan modification.

- [] **Loan Modification Requested. After Evaluation, Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.
- [] **Loan Modification Requested. Borrower Approved for a Modification but Subsequently Defaulted.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was approved. Borrower subsequently failed to return the executed modification agreement, required down payment, or failed to timely make the payment(s) under the terms of the agreement.
- [] **Loan Modification Requested. Insufficient Information Provided by Borrower. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt, but borrower, despite one or more additional requests from beneficiary or its agent, failed to provide sufficient information to enable beneficiary to determine in good faith whether borrower is eligible for a loan modification. Accordingly, within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.
- [] Other (Specify):

DATED: JUN 30 2010

By: *Gwendolyn Austin*
Typed Name: Gwendolyn Austin
Title: Foreclosure Officer

State of Florida)
) ss.
County of Duval)

This instrument was acknowledged before me on JUN 30 2010 by *Gwendolyn Austin* as Foreclosure Officer of JPMorgan Chase Bank National Association

Florina C. Munoz
Notary signature
My commission expires

